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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,153	08/21/2003	Michael Delaney	83336.1535	7182

55136 7590 02/09/2007	EXAMINER	
BALLY GAMING INC. 6601 S. BERMUDA ROAD LAS VEGAS, NV 89119	THOMASSON, MEAGAN J	
	ART UNIT	PAPER NUMBER
	3714	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/645,153	DELANEY ET AL.
	Examiner	Art Unit	
	Meagan Thomasson	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>13 December 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-15</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>21 August 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

The examiner acknowledges the amendments made to claims 1, 6 and 11, as well as the amendments made to correct the grammatical errors throughout the specification.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-15 rejected under 35 U.S.C. 102(e) as being anticipated by Luciano et al. (US 6,357,150).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Luciano discloses a central server configured to generate game results using fixed-pool elements (column 10, line 45) where each game play result is comprised of a base game play result and a bonus game play result (column 3, line 7).

Further, Luciano discloses a player terminal in operable communication with said central server, configured to send game play requests to said central server and receive game play results from central server (column 11, line 9).

Further, Luciano discloses said player terminal configured to determine a base game play result and a bonus game play result from a game play result received from said central server, to reverse-map said base game play result into a display such that said display shows game indicia having a value corresponding to said base game play result (column 1, line 50), and further shows bonus game indicia, different from said base game play display, having a value corresponding to said bonus game play result.

In addition, Lucian discloses that a single game play result is a fixed sum that is awarded to the player (col. 21, line 49 – col. 22, line 2). In this embodiment, the central server determines that the player will win 10 units as a result of a game play. This outcome may be presented as a winning base game outcome of less than 10 units, and a bonus play outcome such that when the gaming sequence is over, the player will have won a total of 10 units. Thus, the 10 units is a fixed sum of the base game winnings and the bonus game winnings.

Regarding claim 2, Luciano discloses the gaming system of claim 1 where said bonus game indicia further comprises a plurality of indicium, stated as "If the selected game set element is coded or is otherwise determined to be applied as a bonus award, the play may receive all or part of the stored bonus fund, either in a single award or in a multi-step/display award sequence" (column 4, line 5). This "multi-step/display award

sequence" (column 4, line 9) teaches bonus game indicia comprising a plurality of indicium.

Regarding claim 3, Luciano discloses the gaming system of claim 2 where said plurality of indicium is selectable, and where said bonus result is divided into a set of partial win results that, in total, are an amount equal to said bonus result, and where said partial win results are awarded one at a time as a result of a selectable indicium being selected, until all of said partial win results are awarded, stated as "A simple example of a multiple award sequence is as follows. Suppose that, on a particular play, the system determines that the player will win 10 units. Suppose further that the possible awards are 1, 2, 3, 5, or 10. The system could display a symbol which corresponds to the award of 10. The player would be paid, and the game would be over. Alternatively, the system could display one of the lesser awards, and could give the player one or more "free" chances to play. On each subsequent "free" play, the player would win another award, such that when the sequence is over, the player would have won a total of 10 units. This award sequence could be automatic, or it could require the player to provide input, such as by pressing a button to start each new play. In any case, the total amount awarded is the same as before, but in the latter alternative, the player receives the award in several packages, through the bonus play sequence described" (column 21, line 49).

Similarly, Luciano discloses "If the selected game set element is coded or is otherwise determined to be applied as a bonus award, the play may receive all or port of the stored bonus fund, either in a single award or in a multi-step/display award

sequence" (column 4, line 5). This "multi-step/display award sequence" (column 4, line 9) teaches bonus game indicia comprising a plurality of indicium.

Regarding claim 4, Luciano discloses the gaming system of claim 1 having an indicator recognizable by said player terminal, said indicator indicating that said game play result comprises a base game play result and a bonus game play result, as best understood, stated as "the game set elements may include data in addition to, or instead of, an amount of an award. For example, the game might include bonus plays...which are triggered when a selected game set element includes a flag which tells the system to award a special bonus" (column 21, line 29).

Regarding claim 5, Luciano discloses the gaming system of claim 4 where said bonus game play amount is calculated by subtracting a known base game amount from said game play result, stated as "when two or more awards are selected by the system, these awards are added internally to form an intermediate sum, and a predetermined value may be subtracted from this intermediate sum to produce an award which is displayed and paid to the player. The predetermined value is then added to a separate fund which is used to support other awards" (column 21, line 16), wherein said "separate fund which is used to support other awards" (column 21, line 21) is further disclosed as a "fund for bonus awards" (column 21, line 27).

Regarding claim 6, Luciano teaches a method of gaming comprising enabling a fixed pool of game results, a game result being selectable upon request from a player terminal; selecting a game play result after receiving a game result request from said player terminal; sending said game play result to said player terminal;

receiving said game play result at said player terminal; determining a base game play

result and a bonus game play amount from said game play result; awarding said base

game play result; starting a bonus game; enabling play of said bonus game, and

awarding said bonus game play amount as disclosed in figure 2.

Regarding claim 7, Luciano discloses the gaming method of claim 6 where said

bonus game comprises a plurality of indicium, stated as "If the selected game set

element is coded or is otherwise determined to be applied as a bonus award, the play

may receive all or port of the stored bonus fund, either in a single award or in a multi-

step/display award sequence" (column 4, line 5). This "multi-step/display award

sequence" (column 4, line 9) teaches bonus game indicia comprising a plurality of

indicium.

Regarding claim 8, Luciano discloses the gaming method of claim 7 where said

plurality of indicium is selectable, and where said bonus result is divided into a set of

partial win results that, in total, are an amount equal to said bonus result, and where

said partial win results are awarded one at a time as a result of a selectable indicium

being selected, until all of said partial win results are awarded, stated as "A simple

example of a multiple award sequence is as follows. Suppose that, on a particular

play, the system determines that the player will win 10 units. Suppose further that the

possible awards are 1, 2, 3, 5, or 10. The system could display a symbol which

corresponds to the award of 10. The player would be paid, and the game would be

over. Alternatively, the system could display one of the lesser awards, and could give

the player one or more "free" chances to play. On each subsequent "free" play, the

player would win another award, such that when the sequence is over, the player would have won a total of 10 units. This award sequence could be automatic, or it could require the player to provide input, such as by pressing a button to start each new play. In any case, the total amount awarded is the same as before, but in the latter alternative, the player receives the award in several packages, through the bonus play sequence described" (column 21, line 49).

Similarly, Luciano discloses "If the selected game set element is coded or is otherwise determined to be applied as a bonus award, the play may receive all or port of the stored bonus fund, either in a single award or in a multi-step/display award sequence" (column 4, line 5). This "multi-step/display award sequence" (column 4, line 9) teaches bonus game indicia comprising a plurality of indicium.

Regarding claim 9, Luciano discloses the gaming method of claim 6 further comprising an indicator, as best understood, recognizable by said player terminal, said indicator indicating that said game play result comprises a base game play result and a bonus game play result stated as "the game set elements may include data in addition to, or instead of, an amount of an award. For example, the game might include bonus plays...which are triggered when a selected game set element includes a flag which tells the system to award a special bonus" (column 21, line 29).

Regarding claim 10, Luciano discloses the gaming method of claim 9 where said bonus game play amount is calculated by subtracting a known base game amount from said game play result, stated as "when two or more awards are selected by the system, these awards are added internally to form an intermediate sum, and a

predetermined value may be subtracted from this intermediate sum to produce an

award which is displayed and paid to the player. The predetermined value is then

added to a separate fund which is used to support other awards" (column 21, line 16),

wherein said "separate fund which is used to support other awards" (column 21, line

21) is further disclosed as a "fund for bonus awards" (column 21, line 27).

Regarding claim 11, Luciano teaches a method of gaming comprising receiving a

wager on a game at a player terminal; generating a game result request; selecting a

game result from a fixed pool of game results; determining a base game result and a

bonus game amount from said selected game result; playing said game and awarding

said base game result; starting a bonus game; enabling play of said bonus game; and

awarding said bonus game amount as disclosed in figure 2.

Regarding claim 12, Luciano discloses the gaming method of claim 11 where

said bonus game comprises a plurality of indicium, stated as "If the selected game set

element is coded or is otherwise determined to be applied as a bonus award, the play

may receive all or port of the stored bonus fund, either in a single award or in a multi-

step/display award sequence" (column 4, line 5). This "multi-step/display award

sequence" (column 4, line 9) teaches bonus game indicia comprising a plurality of

indicium.

Regarding claim 13, Luciano discloses the method of claim 12 further comprising

dividing said bonus game play amount into a set of partial win results that, in total, are

an amount equal to said bonus game result; selecting bonus game indicium; awarding

one of said partial win results; and repeating said selecting and awarding until all of

said partial win amounts are awarded, stated as "A simple example of a multiple award

sequence is as follows. Suppose that, on a particular play, the system determines that

the player will win 10 units. Suppose further that the possible awards are 1, 2, 3, 5, or

10. The system could display a symbol which corresponds to the award of 10. The

player would be paid, and the game would be over. Alternatively, the system could

display one of the lesser awards, and could give the player one or more "free" chances

to play. On each subsequent "free" play, the player would win another award, such

that when the sequence is over, the player would have won a total of 10 units. This

award sequence could be automatic, or it could require the player to provide input,

such as by pressing a button to start each new play. In any case, the total amount

awarded is the same as before, but in the latter alternative, the player receives the

award in several packages, through the bonus play sequence described" (column 21,

line 49).

Similarly, Luciano discloses "If the selected game set element is coded or is

otherwise determined to be applied as a bonus award, the play may receive all or port

of the stored bonus fund, either in a single award or in a multi-step/display award

sequence" (column 4, line 5). This "multi-step/display award sequence" (column 4, line

9) teaches bonus game indicia comprising a plurality of indicium.

Regarding claim 14, Luciano discloses the gaming method of claim 11 further

comprising the recognition of, in said game result, an indicator, as best understood,

indicating that said game result comprises a base game result and a bonus game

result stated as "the game set elements may include data in addition to, or instead of,

an amount of an award. For example, the game might include bonus plays...which are triggered when a selected game set element includes a flag which tells the system to award a special bonus" (column 21, line 29).

Regarding claim 15, Luciano discloses the gaming method of claim 14 further comprising the calculation of said bonus game result by subtracting a base game result from said game result, stated as "when two or more awards are selected by the system, these awards are added internally to form an intermediate sum, and a predetermined value may be subtracted from this intermediate sum to produce an award which is displayed and paid to the player. The predetermined value is then added to a separate fund which is used to support other awards" (column 21, line 16), wherein said "separate fund which is used to support other awards" (column 21, line 21) is further disclosed as a "fund for bonus awards" (column 21, line 27).

Response to Arguments

Applicant's arguments, see p. 12, section 2, filed December 13, 2006, with respect to the 35 U.S.C. 112, first and second paragraph, rejection of claims 4,5,9,10,14 and 15 have been fully considered and are persuasive. The 35 U.S.C. 112, first and second paragraph, rejection of claims 4,5,9,10,14 and 15 has been withdrawn.

With respect to the 35 U.S.C. 112, first and second paragraph, rejections, where applicant asserts that "while the specific term 'indicator' may not be used in the specification, the concept of the indicator is disclosed", specifically referring to the "Prize Information" field on p. 25 of the specification, as well as in the language of p. 25,

wherein "because the bonus display information is received at the same time as the

prize, the terminal is not required to determine if the prize is a bonus or not; it already

knows because of extra information" (lines 6-8). Because the "Prize Information" field

contains information related to bonus displays (p. 25, line 9), or "an index to possible

bonus display outcomes" (p. 26, line 4), it may be interpreted that the bonus display

information itself acts as an indicator to the terminal, wherein the existence of bonus

display information in the "Prize Information" field is what indicates to the terminal

whether or not to display bonus game data, including bonus game indicia and a bonus

game reward value. If this is the intended interpretation of an indicator, wherein the

bonus data set itself acts as the indication to the terminal to display said bonus data,

then the written description rejection is withdrawn. However, it is not overcome by the

102(e) prior art rejection of Luciano, as described in the previous rejection, as well as in

the rejection above.

Additional arguments regarding the 35 U.S.C. 102(e) rejections of claims 1-15

have been fully considered but they are not persuasive.

Specifically, applicant argues that the amendments to claims 1,6 and 11 to

include the limitation of "the single game play result is a fixed sum that is awarded to the

player" overcome the anticipation rejection of Luciano. This is not persuasive, as

Luciano in fact does disclose that a single game play result is a fixed sum that is

awarded to the player (col. 21, line 49 – col. 22, line 2). In this embodiment, the central

server determines that the player will win 10 units as a result of a game play. This

outcome may be presented as a winning base game outcome of less than 10 units, and

a bonus play outcome such that when the gaming sequence is over, the player will have

won a total of 10 units. Thus, the 10 units is a fixed sum of the base game winnings and

the bonus game winnings. Therefore, the amended claims do not overcome the

teachings of Luciano.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Meagan Thomasson whose telephone number is (571)

272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meagan Thomasson
February 5, 2007
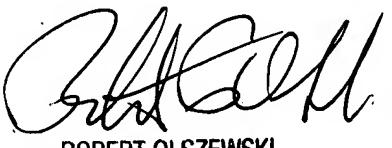
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